IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 258 OF 1997

Shri Riaz Ahmed Iqbal Ahmed
Siddiqui ..Applicant

Vs.

1. Abdul Aziz Habibulla Khan
and ors. ..Respondents

Mr. M.S. Kadu for applicant.

CORAM: B.H. MARLAPALLE, J.

Date : June 21, 2005.

P.C.:

1. In S.C. Suit No.7787 of 1990 the defendants had taken out Notice of Motion No.3941 of 1995 on or about 18/7/1995 and in the said Notice of Motion the present applicant filed Chamber Summons No.1105 of 1996 for being impleaded as defendant no.4 contending that he had acquired rights of the suit property from defendant nos.2 and 3 and by an order dated 15/1/1997 the said Chamber Summons came to be dismissed by the learned Judge of the City Civil Court at Mumbai. The said order has been challenged in this revision application.

2. There is no doubt that the present applicant is not a party in Notice of Motion No.3941 of 1995 filed in S.C. Suit No.7787 of 1990 and, therefore, the order rejecting his Chamber Summons is an interlocutory order in so far as the suit is concerned. In view of the amended provisions of Section 115 of C.P.C. with effect from 1/7/2002, this Civil Revision Application is not maintainable and, therefore, the learned counsel for the applicant seeks leave to withdraw the Civil Revision Application.

3. Leave granted and the Civil Revision Application is dismissed as withdrawn with liberty as is permissible in law.

(B.H. Marlapalle,J.)